

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CITYNET, LLC, on behalf
of the United States of America,

Plaintiff/Relator,

v.

Civil Action No. 2:14-cv-15947
Judge John T. Copenhaver

FRONTIER WEST VIRGINIA, INC., a
West Virginia corporation, **KENNETH
ARNDT**, individually, **DANA WALDO**,
individually, **MARK McKENZIE**,
individually, **JIMMY GIANATO**, individually, and
GALE GIVEN, individually,

Defendants.

**DEFENDANTS JIMMY GIANATO AND GALE GIVEN'S
MOTION FOR SUMMARY JUDGMENT**

NOW COME Defendants, Jimmy Gianato and Gale Given, by counsel, Stephen M. Fowler, Geoffrey A. Cullop, Omar D. Ahmad, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and pursuant to Rule 56 of Federal Rules of Civil Procedure move this Honorable Court to grant their Motion for Summary Judgment. In support of the same, these Defendants contemporaneously file their Memorandum of Law.

WHEREFORE, Plaintiff Relator failed to establish evidence to support the claims set forth in the Amended *Qui Tam* Complaint; and WHEREFORE there is no genuine issue of material fact for a jury to decide in this matter, the State Defendants, Jimmy Gianato and Gale Given respectfully move this Honorable Court for an Order that:

1. GRANTS their Motion for Summary Judgment;
2. DISMISSES the Amended *Qui Tam* Complaint, with prejudice; and
3. GRANTS further relief deemed just and proper.

GALE GIVEN AND JIMMY GIANATO

By Counsel,

/s/ Geoffrey Cullop

Stephen M. Fowler (WVSB #5113)
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Omar D. Ahmad (WVSB #10804)

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CERTIFICATE OF SERVICE

The undersigned counsel for defendants, Jimmy Gianato and Gale Given, does hereby certify
on this 24th day of June 2022, that a true copy of the foregoing "**DEFENDANTS JIMMY
GIANATO AND GALE GIVEN'S MOTION FOR SUMMARY JUDGMENT**" was served
upon counsel of record by utilizing the CM/ECF filing system:

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